

**REGULAR MONTHLY MEETING
PIKE COUNTY BOARD OF COMMISSIONERS
September 10, 2008
9:00 am**

The Pike County Board of Commissioners held their Regular Monthly Meeting on Wednesday, September 10, 2008 at 9:00 am in the Pike County Commissioners Meeting Room, Zebulon, Georgia. Members present were presiding Chairman Steve Fry, Commissioner Tommy Powers, Commissioner Jake Garner, and Commissioner Parrish Swift. Also in attendance were County Attorney Rob Morton and County Manager Steve Marro. (O.C.G.A. § 50-14-1(e) (2))

CHAIRMAN FRY CALLED THE PIKE COUNTY COMMISSIONERS MEETING TO ORDER AND ASKED EVERYONE TO JOIN HIM IN THE PLEDGE OF ALLEGIANCE TO THE FLAG.

CHAIRMAN FRY CALLED FOR APPROVAL OF THE AGENDA PURSUANT TO O.C.G.A. § 50-14-1(e) (1)

The agenda was amended as follows:

- Add Pending Litigation pursuant to O.C.G.A. § 50-14-2(1) to Executive Session
- Add Elaine Gillam under Public Comment
- Add Lifsey Springs bid for concrete headwall to New Business

MOTION

Commissioner Powers made the motion to approve the agenda as amended. Commissioner Swift seconded the motion. 4-0 vote.

CHAIRMAN FRY CALLED FOR APPROVAL OF THE MINUTES OF THE REGULAR MONTHLY MEETING HELD TUESDAY, AUGUST 26, 2008 AT 6:30 PM PURSUANT TO O.C.G.A. § 50-14-1(e) (2)

MOTION

Commissioner Garner made the motion approve the Regular Monthly Meeting minutes held August 26, 2008 as corrected. Commissioner Powers seconded the motion. 4-0 vote.

MOTION

Commissioner Powers made the motion to approve the Special Called Meeting minutes held August 28, 2008 at 2:00 pm as written. Commissioner Swift seconded the motion. 4-0 vote.

MOTION

Commissioner Powers made the motion to approve the Special Called Meeting minutes held September 3, 2008 at 5:30 pm as written. Commissioner Swift seconded the motion. 4-0 vote.

CHAIRMAN FRY CALLED FOR PUBLIC HEARINGS-None

CHAIRMAN FRY CALLED FOR REPORTS FROM COMMISSIONERS, DEPARTMENTS AND COMMITTEES-MONTHLY REPORTS SUBMITTED FROM COUNTY DEPARTMENTS, BOARDS AND AUTHORITIES

MOTION

Commissioner Garner made the motion to accept monthly reports as submitted from the county departments and authorities. Commissioner Swift seconded the motion. 4-0 vote.

**CHAIRMAN FRY CALLED FOR REPORTS FROM COMMISSIONERS,
DEPARTMENTS AND COMMITTEES-COUNTY MANAGER REPORT**

County Manager Marro reported on the following:

McIntosh Trail's bus transportation system will have a reduction in hours due to state cuts and low demand during non-peak hours (10:00 am to 1:00 pm) beginning September 16, 2008 and running through FY 2009 unless additional operational funding can be obtained. Mr. Marro is on the McIntosh Trail Board and said that some members of this board would like to raise the cost of the transportation while other members of the board request that the fee for transportation remain the same.

Mr. Marro touched on the Fall Policy Conference with ACCG in Atlanta.

Mr. Marro then mentioned that Commissioner Willis' mother-in-law had passed away therefore he was not present at today's meeting.

Mr. Marro mentioned the ACCG Property Tax conference in Atlanta set for September 11, 2008. Mr. Marro said that he'd be attending that conference and asked if any of the Commissioners would like to attend. Tax Commissioner Donna Wynn was invited as was Tax Assessor Jeannie Haddock. Ms. Haddock could not attend because she was holding a workshop the afternoon of September 11, 2008 on setting standards in the county on ancillary buildings with the Planning and Development office and the Department of Revenue.

Mr. Marro said that the inmate crew RFP that the Board had asked for is in process and that he is waiting for information from several different inmate crews.

Dr. Duncan has requested that the Board of Commissioners meet with the School Board every Wednesday at 9:00 am to try to improve communications between the Board of Commissioners and the Board of Education. Mr. Marro said that the problem with that is that the Commissioners work during the day. Chairman Fry requested a list of questions that the Board of Education has. Mr. Marro said that he'd send a letter to Dr. Duncan with this request.

Lastly, Mr. Marro mentioned the letter received from the Georgia Department of Transportation pertaining to the bridges in Pike County. Nine (9) bridges need attention but per Mr. Marro are not 'do-able' in this year's budget. Mr. Marro did say that all the latitude and longitude points were listed on the report and can now be plotted on the GIS system.

**CHAIRMAN FRY CALLED FOR REPORTS FROM COMMISSIONERS,
DEPARTMENT AND COMMITTEES-COMMISSIONERS REPORT**

District 1- Commissioner Willis was not at today's meeting.

District 2- Commissioner Swift asked the status of the water ordinance workshop. Commissioner Swift suggested that a date be set for this workshop and then said that there were gray areas that needed to be worked out.

Commissioner Swift then asked about the Gresham case. Mr. Marro said that they were waiting for a court date. Commissioner Swift asked about the documentation of code violations. County Attorney Morton said that the code enforcement officer was to continue to gather evidence. Commissioner Swift asked if the code enforcement officer had been spot checking per the data that is being provided by the land owner. Mr. Morton said that she had been advised to but that he didn't know if that had been done.

Lastly, Commissioner Swift asked about the Recreation Authority's unemployment benefits. Swift asked if the benefits had been extended and asked if the benefits were coming out of the Recreation Authority. Accounting Tech Sean Townsend said yes.

District 3-Commissioner Powers had no report today.

District 4-Commissioner Garner asked the status on the Shawn Shoats issue. County Attorney Morton said that he still has not received a report from the District Attorney. Mr. Morton said that a warrant could be obtained on the local level but the case would still to go the District Attorney after that. Commissioner Garner asked if this could be pursued on a local level since the Board has already voted to prosecute. Mr. Morton said that he'd check with the DA and then pursue local prosecution if the District Attorney's office is not making progress.

Chairman Fry mentioned the \$500,000.00 CDGB grant awarded jointly to Pike County and the City of Concord. Chairman Fry said that somebody needed to be at the grant workshop in Savannah on September 15 and 16, 2008 in order to receive the money. Mr. Marro said that he'd call the City of Concord regarding this matter.

Chairman Fry also said that the new AED's have been used already once. County Manager Marro asked about getting an AED for the Commissioner's office. Fire Chief Tom Tyree said that the grant specified that the AEDs be placed on trucks and not in offices. Chairman Fry asked what needed to be done to get one for a fixed location. Tyree said that one would need to be purchased. Commissioner Swift said that there was a loophole. Chief Tyree said that there was a small loophole that they could try to work around but the state grant states that they need to be placed on apparatus used to respond within the community.

CHAIRMAN FRY CALLED FOR REPORTS FROM COMMISSIONERS, DEPARTMENT AND COMMITTEES-COUNTY ATTORNEY REPORT

County Attorney Morton had no report today.

CHAIRMAN FRY CALLED FOR UNFINISHED BUSINESS

A. Second Reading of the Ordinance to Adopt the Fiscal Year 2009 Budget. Chairman Fry said that the first reading of the budget was held at the last meeting. Chairman Fry said that this would be to consider the second reading unless there were some changes to be made since that time or to incorporate changes and consider second reading. Chairman Fry asked for any motions to that effect, Commissioner Garner asked what changes had been made since the first reading Chairman Fry then said that there could have been some changes if somebody had wanted to make some but they would need to be incorporated into the second reading. Commissioner Garner said that he misunderstood. Chairman Fry then asked for a motion to consider the second reading. Item died for lack of a motion.

B. Second Reading of 2008 Advisory Task Force Procedures for Recommending Proposed Revisions and Amendments to the Pike County Code. County Attorney Morton said that the ordinance was passed out at the last meeting and that this was just the formality of a second reading. Mr. Morton asked the Board to consider entertaining a motion to consider the second reading and adoption of this policy. County Attorney Morton said that they had incorporated some of the Board's recommended changes and that this was just an attempt to provide for some efficient handling of documents once they are drafted for consideration. Commissioner Swift asked if this was for the execution of documents. Mr. Morton said that they needed to go through the process not necessarily just the execution. It needs to be presented to the Planning Commission in a timely manner, etc.

MOTION

Commissioner Swift made the motion to Second Reading of Advisory Task Force Procedures for Recommending Proposed Revisions and Amendments to the Pike County

Code. Commissioner Powers seconded the motion. 3-1 vote with Commissioner Garner voting in opposition.

C. Donny Bennett to discuss his test track. Mr. Bennett presented the commissioners with a copy of the Pike County code for C-3 and said that he's trying to get resolution to this issue. He has requested permission to use his test track on Saturdays from 1:00 pm until 6:00 pm. Mr. Bennett said that C-3 allows recreational vehicle sales and service. He said that he felt that his business fell under C-3 and asked for use of the track from 1:00 pm until 6:00 pm Saturdays once a month. He said that Pike County had given him a permit to build the dirt track and that everything was done in the right order. Commissioner Swift said that he has spoken with some of the residents in the area and thought that they needed to consider majority vs. minority; the vocal minority vs. the non-vocal majority. Swift said that Mr. Bennett has done everything that he has been asked to do. He asked who was conceding and who is not conceding.

Commissioner Garner asked if the testing could be done inside and Bennett said that some motors can be tested inside but some needed to be tested on the go cart.

Commissioner Swift said that they would need to designate which Saturday would be allowed. County Manager Marro said that if it was not specified which Saturday would be allowed, that would create a code enforcement nightmare. Commissioner Garner asked if the go carts were raced, Bennett said no racing was allowed. It was also stated that they were not tested in the rain. Chairman Fry asked when a go cart became a recreational vehicle and said that 'recreational vehicle' meant travel trailer/camper. Chairman Fry also said that if a business did major auto repairs, you would not expect them to have a test track for the cars.

MOTION

Commissioner Swift made the motion to allow public comment. Commissioner Powers seconded the motion. 4-0 vote.

Greg Mayo said that he moved to Pike County for its quietness and said that he lived right behind Mr. Bennett. He also said that a recreational vehicle should be a camper and not a go cart and that the business should fit into the neighborhood.

Jerry Hammond stated that he used to own the property until last year and that it was zoned C-3 for a business park. He said that Advances Sales and Services ran a track there when Hammond bought the lot in 1990. He said that there had been no water in the lake since the early 1990's. He also said that the EPD had been called but never found any water. The pond, per Hammond, was just for retention purposes. Mr. Hammond said that Mr. Mayo's house was built after the land was zoned C-3 and that small businesses need to diversify to exist.

Tony Morris said that Mr. Hammond doesn't respect him and that Mr. Bennett apologized for the noise.

Chairman Fry asked for a description of a recreational vehicle and asked where small engine repair fit into the code. County Attorney Morton said that the code is ambiguous and vague and that technically the business is a machine shop. Morton then said that this is not a zoning issue but a business license issue.

MOTION

Commissioner Swift made the motion allow Donny Bennett to use the test track on one Saturday each month from 1:00 pm until 6:00 pm. Commissioner Garner seconded the motion for discussion purposes. Vote was 2-2 therefore no action was taken.

Commissioner Garner and Commissioner Swift voted in favor whereas Chairman Fry and Commissioner Powers voted in opposition.

D. Don Bailey to give an animal control update. Mr. Bailey said that he wanted to touch on something that the County Attorney had said, that the Board had the power to 'watch the citizens for health, safety and environment' and said that is why he's before the Board again. Bailey asked to see if 'we' could get the animal control shelter and resolution passed. Mr. Bailey said that his group has offered to provide the Pike County

Sheriff's Department with some assistance through the Georgia Legal Professionals for Animals, Inc. who teach law enforcement officers and magistrate court judges how to prosecute animal cruelty cases and assist the court system also. Mr. Bailey said that he spoke with Major Neal and that there was going to be some coordination done either the third or last week of September to get this training done. There is no cost to the county for this training, per Bailey. Mr. Bailey said that he had been going through some minutes from the Pike County Water and Sewer Authority from June 18, 2008 regarding the storage site. He said that Tommy Burnsed had spoken with Todd Goolsby and said that the site would be large enough for the Water Authority to have a portion of this land for use as an animal control facility if needed in the future. Mr. Bailey said that he wasn't sure if this has been checked out or not and has asked that this be looked into. Per the Water Authority minutes, they would continue to pursue this with the County Manager and Commissioners. Commissioner Garner said that they would have to get in touch with Environmental Health to be sure that there is a good septic tank there. Commissioner Swift asked where this was again and Don Bailey said that he wasn't sure which portion of the land they were talking about but that his group had looked at land adjacent to the right hand side of the women's detention facility. Bailey said that he wasn't sure if they were talking about the old chipper site. Chairman Fry and Commissioner Swift said that they thought that was the area being discussed. Commissioner Swift said that two sites have been discussed. County Manager Marro said that the piece of property being discussed was around the new water tank. Commissioner Swift said that the county would not want this shelter there. Commissioner Garner said that most shelters are on some sort of sewer system. Mr. Bailey said that he's talked with the mayor of Zebulon and the Zebulon City Council and was told that if they could put it next to the women's prison they could possibly hook into the water lines. He also said that they needed to get back in touch with the EPD to see if they could tie into it for the sewage facility for the facility. Commissioner Swift asked Mr. Bailey what would be his next step if the Commissioner committed to a site. Bailey said like Commissioner Swift told Mr. Bennett, he could either wait until another meeting with all commissioners present or wait until January to bring this back up. Bailey said that his last point is the referendum. Mr. Bailey said that with time constraints, the ball was dropped regarding this referendum and the senior tax initiative referendum. Mr. Bailey said that it had never been put on the public record that this was actually passed to Billy Maddox and that Billy Maddox will push this forward in the January referendum. Bailey asked that if there is a special vote prior to January that the senior tax referendum and the animal control referendum be placed on the ballot so that this won't cost the taxpayers any more money. Commissioner Swift asked if there had been any discussion regarding a special session for legislation. County Attorney Morton said that there has been plenty of discussion pertaining to this but nothing has happened and it is unlikely that it will happen as they are gearing up for January. Mr. Morton said that the motion that was made by the Board of Commissioners regarding the referendum was at the last meeting in February. Representative Maddox was contacted the following month related to the issue and to make it the matter of record as Mr. Bailey would like, the office of Morton and Morton provided Representative Maddox with the language for the proposed referendum and that was done either the end of May or sometime in June. Per Mr. Morton, Mr. Bailey has been given a copy of that but Bailey also wanted to make this a matter of record. Commissioner Swift said that these referendums did not make it through the last legislative session and Mr. Morton said that they did not. Mr. Bailey said that he was going to attend a workshop in Atlanta to see if the county could get some federal funds for an animal shelter. Mr. Bailey said that he had also spoken with Mr. Morton regarding the Georgia property seizure and distribution of funds per GA code 16-13-49. Bailey said that at the last report, the Sheriff's Department had about \$49,000.00 in their seizure funds. Mr. Bailey also said that at one time there was a vehicle that had been seized by the Pike County Sheriff's Department that could be used for an animal control vehicle. Mr. Bailey said that he has asked County Attorney Morton if an animal control officer would fall under the scope of a law enforcement officer. Bailey said that he had asked District Attorney Scott Ballard that same question and was told that it could. Commissioner Garner said that it could but that was not done in the neighboring counties. Bailey said that this would be up to the Commissioners and the Sheriff's Department which controls the

seizure funds. Commissioner Swift asked Bailey if he meant that if the animal control officer was under the Sheriff's Department that the seizure money could be used for this. Bailey said that this would be an option. Regarding impact fees, Bailey was told that impact fees could not be used for animal control or shelter operations. Mr. Bailey said that he didn't know if this was fact or if this was an error. Chairman Fry said that if the county already had animal control then impact fee money could be used for animal control but it could not be used to start an animal control shelter. Mr. Bailey said that if the citizens vote for the shelter, he wanted to see impact fee money used for the shelter. County Manager Marro said that Mr. Bailey did not hear what the Chairman had said; that impact fee money could not be used to start a shelter. The impact fee program would need to be modified once the shelter was built in order for impact fee funds to be used. Bailey said that there is some information on animal control on the county website. Mr. Bailey said that he had attended court with a citizen whose dog had been killed and was trying to recoup some of the expenses. Commissioner Garner asked what animal control could have done to help in this situation. Bailey said that documentation was needed. Garner said that the homeowner should have documented this. Bailey said that this would be 'my word against your word' because there is no actual witness. Chairman Fry asked if a police report was filed in this instance. Bailey said yes but that it was 'he said/she said' and that it's still going through mitigation. Mr. Bailey said that the police department did respond but were not able to take the dogs and quarantine for rabies, etc. Commissioner Swift said that the key is the referendum and this should be put before the voters. Commissioner Garner said that the taxpayers need to be responsible for their pets.

E. Don Bailey to give a veteran's update. Mr. Bailey said that on Saturday, September 13, 2008, the American Legion was going to re-establish Post 197. Bailey said that the Veterans Monument would be discussed at this meeting and also reminded everyone that Veteran's Day is November 11th and suggested that an honor ceremony take place.

CHAIRMAN FRY CALLED FOR NEW BUSINESS

A. Chief Tom Tyree to present 4 new American LaFrance fire trucks to the Pike County Board of Commissioners. Chief Tyree thanked the citizens of Pike County for the S.P.L.O.S.T. Chief Tyree spoke well of American LaFrance stating that there were some small issues that needed to be addressed and were taken care of prior to their leaving. Chairman Fry said that the firefighters were taking driver training since these trucks were larger than the current trucks. Chief Tyree said that the insurance company is providing this training course. Chairman Fry asked if the trucks were in service yet and Chief Tyree said that they were not.

The Board took a five minute break at which time Chairman Fry left the meeting.

MOTION

Commissioner Powers made the motion to go back to the Budget Second Reading however the motion died for lack of a second.

B. Refund of business license fee for Brian Donald. Mr. Donald purchased a business license in Pike County in January of 2008 and also purchased one in Griffin. He had been told that he did not need both licenses and has requested refund of the Pike County license. The amount of the refund requested is \$143.00 and Nancy Cook has checked with the City of Griffin to be sure that his license was current with them.

MOTION

Commissioner Powers made the motion to refund Brian Donald's business license fee of \$143.00. Commissioner Swift seconded the motion. 3-0 vote.

MOTION

Commissioner Swift made the motion to go back to Item A, Unfinished Business,

Second Reading of Ordinance to Adopt FY 2009 Budget. Commissioner Powers seconded the motion. 3-0 vote.

Commissioner Swift wanted to add another laborer at the Rec Authority and also a coordinator at the Rec Authority. The salaries for the two positions would be approximately \$45,000.00 (\$20,800 for the laborer and \$24,535 for the coordinator); FICA would be \$3,500.00 and insurance would be \$32,000.00 for a total addition to the budget of \$81,000.00.

MOTION

Commissioner Swift made the motion to approve Second Reading of the Budget with \$81,000.00 added for a laborer and coordinator of the Rec. Total budget of \$9,246,789.00. Commissioner Powers seconded the motion. 3-0 vote.

D Presentation of a table for the courthouse made from the pecan tree removed for the streetscape project by Bobby Blalock (item heard out of order). Mr. Bobby Blalock said that the pecan tree was cut down on the square during the streetscape project and John Sell saw it in the lumber and asked Mr. Blalock to make something with the wood for the county to either keep on display or use. Mr. Blalock designed and made the table on behalf of himself and Mr. Sell. Vice-Chairman Garner and Powers said that it was appreciated.

C Consideration of changing the Pike County Fiscal Year from November 1st thru October 31st of each year to July 1st thru June 30th of each year. Vice-Chairman Garner said that this is carried out throughout the state budget and most of the counties have a July to July budget. Commissioner Swift asked if action could be taken on this matter today and then have the budget end June 30, 2009. County Attorney Morton said that the Board could take action on it but that it would need to be researched as to the legalities. Mr. Morton said that he would have to check the enabling legislation along with some other things. Mr. Morton said that a motion could be made to start the process.

MOTION

Commissioner Swift made the motion to pursue changing the fiscal year from November 1st through October 31st to July 1st through June 30th. Commissioner Powers seconded the motion. 3-0 vote.

E John Sell to discuss maintenance of courthouse grounds. Mr. Sell was not present at the meeting.

F. Lifsey Springs bid for concrete headwall. County Manager Marro said that the county went to bid on the driveways and awarded to Dean Ryan the low square foot cost and he has finished Williamson. Mr. Marro said that Mr. Ryan has met with Todd Goolsby regarding the headwall at Lifsey Springs Fire Station and the headwall will cost \$16,000.00 in addition to doing the driveway. Mr. Ryan said that he'd like to do the headwall first. Commissioner Swift asked if the cost per square foot would be the same as the actual paving. Mr. Marro said yes. Vice-Chairman Garner asked how high the wall is. Todd Goolsby said that it is 116 feet across the back and 70 feet on the sides. Mr. Garner asked if there was not enough land to slope it back and said that there will be an erosion problem. Garner mentioned pre-fab walls that could be stacked but Mr. Goolsby said that they were more expensive.

MOTION

Commissioner Swift made the motion to pursue \$16,000.00 for concrete headwall for Lifsey Springs fire station and for the money to come from contingency. Commissioner Powers seconded the motion. 3-0 vote.

MOTION

Commissioner Powers made the motion to put public comment as Item X in front of

Executive Session. Commissioner Swift seconded the motion. 3-0 vote.

VICE-CHAIRMAN GARNER CALLED FOR PUBLIC COMMENT

A. Mike Gunnels to speak on behalf of his tax dollars. Mr. Gunnels stated that he had been contacted for a price on a tree that needed to be removed. Mr. Gunnels said that Dunn's Tree Service was given the bid at \$1,000.00 even though Mr. Gunnels bid was \$875.00. Mr. Gunnels asked what the procedure was for bids. County Manager Marro said that Warden Sanders had requested that the tree be removed. Public Works Director Todd Goolsby said that Dunn had gotten the bid because it was a security issue at the prison and the tree needed to be cut down right away. According to Mr. Goolsby, Mr. Gunnels was hired to remove another tree.

B. Elaine Gillam discussed the budget cuts at the Rec Authority. Ms. Gillam said that she coaches softball, cheerleading and helps with football and she hears complaints all the time. She said that she and Jeff donate their time. She said that there aren't bleachers for the parents to sit on and that the walking areas are rutted. Ms. Gillam said that the area is growing and most of the people moving to Pike County have children and the parents want sports for their kids to participate in. Ms. Gillam said that the Rec. needed more money, not less. She said that their hands are tied and that she's going to pass the complaints along since they are donating their time. Commissioner Swift said that some of the goals that Ms. Gillam brought up have been taken care of already and so it's a moot point.

VICE-CHAIRMAN GARNER CALLED FOR EXECUTIVE SESSION

- Personnel-Countywide pursuant to O.C.G.A. § 50-14-3(6)
- Pending/Potential Litigation pursuant to O.C.G.A. § 50-14-2(1)

MOTION

Commissioner Swift made the motion to exit Regular Session and enter into Executive Session for the purposes of Personnel-Countywide pursuant to O.C.G.A. § 50-14-3(6) and Pending/Potential Litigation pursuant to O.C.G.A. § 50-14-2(1) at 11:08 am. Commissioner Powers seconded the motion. 3-0 vote.

MOTION

Commissioner Swift made the motion to exit Executive Session and re-enter Regular Session. Commissioner Powers seconded the motion. 3-0 vote.

MOTION

Commissioner Powers made the motion to adjourn at 11:37 am. Commissioner Swift seconded the motion. 3-0 vote.

Chairman Steve Fry
Pike County Board of Commissioners

ATTEST:

Steve Marro
County Manager